

RESOLUTION NO. 18-13

**A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE
DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS,
CERTIFYING THE NOTICE OF EXEMPTION ADOPTING THE FEDERAL
NEGATIVE DECLARATIONS FOR TWO CONTROL TECHNIQUES GUIDELINES
SOURCE CATEGORIES AND DIRECTING STAFF ACTIONS.**

On April 23, 2018, on motion by Member JEFF WILLIAMS, seconded by Member BARBARA RIORDAN, and carried, the following resolution is adopted:

WHEREAS, the Mojave Desert Air Quality Management District (MDAQMD) has authority pursuant to California Health and Safety Code (H&S Code) §§40702, 40725-40728 to adopt, amend or repeal rules and regulations; and

WHEREAS, the Federal Clean Air Act (FCAA) requires areas designated non-attainment and classified moderate and above to implement Reasonably Available Control Technology (RACT) for sources subject to Control Techniques Guidelines (CTG) documents issued by the United States Environmental Protection Agency (USEPA) and for “major sources” of volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) which are ozone precursors; and

WHEREAS, effective May 27, 2008 (73 FR 16436, March 27, 2008), USEPA lowered the primary ozone National Ambient Air Quality Standard (NAAQS) from 0.084 parts per million (ppm) to 0.075 ppm; and

WHEREAS, for purposes of the FCAA, portions of the District have been designated non-attainment for ozone and classified as Severe-15 for the new 0.075 ppm 8-hour standard; and

WHEREAS, as a result of the shift to the 0.075 ppm standard, the District is required to update rules to meet RACT requirements; and

WHEREAS, for those CTG source categories not represented within the area designated non-attainment for ozone, USEPA requires the submission of a Federal Negative Declaration (FND) certifying that those sources are not present; and

WHEREAS, these “Federal Negative Declarations” are different from the Negative Declarations associated with the California Environmental Quality Act (CEQA); and

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1 **WHEREAS**, these FNDs, once adopted by the Governing Board, will serve as
2 official certification to the USEPA that there are no stationary sources or emitting facilities
3 in these categories located within the area designated as non-attainment for ozone within the
4 MDAQMD; and

5 **WHEREAS**, in the process of updating Rule 1115 – *Metal Parts & Products Coating*
6 *Operations* to meet RACT requirements, the MDAQMD discovered that two CTG source
7 categories in the *Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts*
8 *Coatings* (EPA-453/R-08-003, September 2008) were not adequately covered in the
9 MDAQMD rule book; and

10 **WHEREAS**, the MDAQMD then examined its permit files, emissions inventory and
11 other documentation and has determined that there are no sources for Plastic Parts and
12 Products, and Automotive/Transportation and Business Machine Plastic Parts, located within
13 the jurisdiction of the MDAQMD and none are anticipated in the near future; and

14 **WHEREAS**, the MDAQMD is now proposing to adopt a FND for these two CTG
15 source categories; and

16 **WHEREAS**, there are no emission reductions associated with this action because it
17 does not change any existing rules or regulations; and

18 **WHEREAS**, the proposed adoption of the *FNDs for Two CTG Source Categories* is
19 necessary as indicated herein and in the supporting documentation; and

20 **WHEREAS**, the MDAQMD has the authority pursuant to H&S Code §40702 to
21 amend rules and regulations; and

22 **WHEREAS**, the proposed adoption of the *FNDs for Two CTG Source Categories* are
23 clear in that it is written so that persons can easily understand the scope and necessity of the
24 FND; and

25 **WHEREAS**, the adoption of the *FNDs for Two CTG Source Categories* are in
26 harmony with, and not in conflict with, or contradictory to existing statutes, court decisions,
27 or state or federal regulations; and

28 **WHEREAS**, the adoption of the *FNDs for Two CTG Source Categories* does not

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1 impose the same requirements as an existing state or federal law or regulation because
2 federal law requires the adoption and certification of "Negative Declarations" for those
3 source categories not represented within the area designated non-attainment for ozone which
4 are covered by a CTG or which meet the definition of a major source; and

5 **WHEREAS**, the adoption of the *FNDs for Two CTG Source Categories* is necessary
6 because for those source categories not represented within the area designated non-attainment
7 for ozone, and covered by a CTG or which meet the definition of a major source, USEPA
8 requires the submission of a FND certifying that those sources are not present; and

9 **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to
10 H&S Code §40725, concerning the adoption of the *FNDs for Two CTG Source Categories*;
11 and

12 **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR
13 §15308) for the proposed adoption of the *FNDs for Two CTG Source Categories*, completed
14 in compliance with the California Environmental Quality Act (CEQA), has been presented to
15 the MDAQMD Governing Board; each member having reviewed, considered and approved
16 the information contained therein prior to acting on the proposed adoption of the *FNDs for*
17 *Two CTG Source Categories*, and the MDAQMD Governing Board having determined that
18 the proposed amendments will not have any potential for resulting in any adverse impact
19 upon the environment; and

20 **WHEREAS**, the MDAQMD Governing Board has considered the evidence presented
21 at the public hearing; and

22 **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the
23 MDAQMD finds that the adoption of the *FNDs for Two CTG Source Categories* is
24 necessary, authorized, clear, consistent, non-duplicative and properly referenced; and

25 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD
26 hereby makes a finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and
27 certifies the Notice of Exemption for the proposed adoption of the *FNDs for Two CTG*
28 *Source Categories*; and

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